

# United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Samuel Der-Yeghiayan	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	11 C 1126	DATE	8/4/2011
CASE TITLE	Ryan Miller vs. Marcus Hardy		

## DOCKET ENTRY TEXT

For the reasons stated below, Plaintiff's motion for certificate of appealability [11] is stricken as improper. To the extent that Plaintiff is seeking a reconsideration of the dismissal, Plaintiff's motion for reconsideration [11] is denied. Plaintiff also makes references in the instant motion [11] to his inability to pay the full filing fee. Therefore, the motion for leave to proceed on appeal *in forma pauperis* [11] is denied. If Plaintiff submits the appropriate *in forma pauperis* forms and provides the information relating to his financial status as required by the Federal Rules of Appellate Procedure, the court will review such request.

■ [ For further details see text below.]

Docketing to mail notices.

## STATEMENT

This matter is before the court on Plaintiff Ryan Miller's (Miller) *pro se* filing titled "Notice of Appeal and Motion for Certificate of Appealability." (Mot. 1). The court notes that Miller has brought other civil actions (11 C 1127)(11 C 2151) in which Miller has made similar filings.

Miller is proceeding *pro se* and the court will liberally construe his instant filing. To the extent that Miller is seeking a certificate of appealability in accordance with 28 U.S.C. § 2253(c), his motion is improper since such a certificate of appealability would only be applicable for a petition for a writ of *habeas corpus*.

In the instant action, Miller is bringing claims for damages under 42 U.S.C. § 1983.

Therefore, a certificate of appealability is not needed and this motion for a certificate of appealability is stricken as improper.

To the extent that Miller is seeking a reconsideration of the dismissal of this action and denial of the request for reinstatement, Miller has not shown that the court erred in its prior rulings or presented any new arguments or evidence that shows that the case should be reinstated. Therefore, the motion for reconsideration is denied.

Miller also makes references in the instant motion to his inability to pay the full filing fee. To the

## STATEMENT

extent that Miller is seeking leave to proceed on appeal *in forma pauperis*, Miller has not filed any *in forma pauperis* application form and has not provided any detailed information concerning his current financial status as required by the Federal Rules of Appellate Procedure. Therefore, the motion for leave to proceed on appeal *in forma pauperis* is denied. If Miller submits the appropriate *in forma pauperis* forms and provides the information relating to his financial status as required by the Federal Rules of Appellate Procedure, the court will review such request.